

## Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 EA-06 ISO-00 CAB-02 CIAE-00 COME-00

DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 IO-10 OES-03

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FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 1809

INFO AMCONSUL MONTREAL

AMEMBASSY PARIS

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E.O. 11652: N/A

TAGS: EAIR, JA

SUBJECT: CIVAIR: NOISE LEVY

MONTREAL FOR USREP ICAO

REF: STATE 165853

1. FOLLOWING IS IN RESPONSE TO REQUEST CONTAINED PARA  
4 REFTEL:

2. MOT DECIDED IN PRINCIPL LAST YEAR TO ESTABLISH A SPECIAL  
AIRPORT LANDING CHARGE TO GENERATE FUNDS FOR FINANCING NOISE  
ABATEMENT MEASURES IN VICINITY OF AIRPORTS IN DENSELY POPULATED  
AREAS. (AIRPORTS MOST AFFECTED BY NOISE PROBLEM ARE OSAKA,  
FUKUOKA, AND TOKYO, WHERE NUMBERS OF HOUSEHOLDS IN AREAS  
SUBJECTED TO NOISE LEVEL OF MORE THAN 85 EPNDB ARE 33,200,  
5,800, AND 3,800 RESPECTIVELY. GOJ IS REQUIRED TO UNDERTAKE  
NOISE ABATEMENT MEASURES IN THESE AREAS IN COMPLIANCE  
WITH QTE BASIC LAW CONCERNING PUBLIC POLLUTION UNQTE.)  
AFTER TAKING DECISION TO ESTABLISH A NOISE LEVY, THE  
ISSUE WAS REFERRED TO THE CIVIL AVIATION COUNCIL FOR  
DETAILED STUDY AND RECOMMENDATIONS.

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3. ON BASIS ITS CONSIDERATION OF THE PROBLEM, THE  
AVIATION COUNCIL CONCLUDED (A) EXPENSES FOR NOISE  
ABATEMENT MEASURES SHOULD BE CONSIDERED AS PART OF USUAL  
EXPENSES FOR OPERATING AND MAINTAINING AIRPORTS, AND THAT

IT WOULD THEREFORE BE APPROPRIATE TO ASSESS AN ADDITIONAL LANDING CHARGE TO HELP FINANCE SUCH MEASURES; (B) THE ADDITIONAL CHARGE SHOULD APPLY ONLY TO JET AIRCRAFT SINCE THEY ARE THE PRINCIPAL SOURCE OF NOISE DISTURBANCE; (C) THE NEW CHARGE SHOULD BE BASED PARTLY UPON NOISE LEVEL GENERATED BY EACH TYPE OF AIRCRAFT AND PARTLY UPON AIRCRAFT WEIGHT (WEIGHT FACTOR WAS SAID TO REPRESENT QTE ABILITY TO PAY UNQTE.); AND (D) SINCE INDIVIDUAL AIRPORTS FORM PART OF A SINGLE NETWORK OF QTE AIR TRAFFIC INFRASTRUCTURE UNQTE, IT WOULD BE APPROPRIATE TO FIX A UNIFORM CHARGE FOR ALL AIRPORTS RATHER THAN ATTEMPT TO BALANCE NOISE ABATEMENT EXPENSES WITH NOISE ABATEMENT CHARGES AT EACH AIRPORT. THE AVIATION COUNCIL ALSO SUGGESTED THAT IT WOULD BE PROPER FOR GOJ TO AUTHORIZE AIRLINES TO COLLECT A SPECIAL FEE FOR JET PASSENGERS AND CARGO TO OFFSET THE NEW LANDING CHARGE.

4. THE NOISE CHARGE IS LIKELY TO BE SET AT LEVEL RANGING FROM HIGH OF 134,000 YEN FOR B747 TO LOW OF 52,950 YEN FOR B727. MOT PLANS TO ANNOUNCE THE NOISE CHARGE ON AUGUST 1 AND TO ENFORCE COLLECTION FROM SEPTEMBER 1. ON BASIS OUR PRELIMINARY INQUIRIES IT CLEAR THAT GOVERNMENTS OF OTHER AIRLINES SERVING JAPAN ARE CONCERNED ABOUT NEW NOISE CHARGE BUT HAVE NOT YET DECIDED ON NATURE OR TIMING OF POSSIBLE DIPLOMATIC PROTEST.

5. RE INQUIRY IN PARA 5 REFTTEL, JCAB OFFICIALS STATE THAT PROVISION OF NOISE ABATEMENT MEASURES AT OSAKA IS A STATUTORY REQUIREMENT AND IS NOT REPEAT NOT PART OF A DEAL FOR LIFTING BAN ON USE OF OSAKA AIRPORT BY WIDE BODY JETS. HOWEVER, JCAB IS CONTINUING ITS LONG-STANDING EFFORTS TO GAIN CONSENT OF OSAKA RESIDENTS FOR INTRODUCTION OF LARGE JETS.

6. EMBASSY COMMENTS AND RECOMMENDATIONS. WE BELIEVE LIMITED OFFICIAL USE  
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USG COULD MAKE CASE THAT THE PROPOSED NEW NOISE CHARGE IS UNREASONABLE WITHIN MEANING OF ARTICLE 6 OF U.S./JAPAN AIR AGREEMENT (AND POSSIBLY ALSO UNDER PROVISIONS OF PL-93-623) USING ESSENTIALLY SAME ARGUMENTS PUT FORWARD BY IATA IN ITS DISCUSSIONS WITH JCAB. ALTHOUGH IATA WAS NOT SUCCESSFUL IN ITS OWN EFFORTS, SAME ARGUMENTS PRESSED BY USG MIGHT HAVE GREATER IMPACT. EFFECT, OF COURSE, WOULD BE INCREASED IF NUMBER OF OTHER GOVERNMENTS WOULD MAKE SIMILAR APPROACH. ALTERNATIVELY--OR ADDITIONALLY-- BELIEVE USG SHOULD CONSIDER INVOKING ARTICLE 15 OF CHICAGO CONVENTION TO INITIATE REVIEW OF NOISE LEVY BY ICAO COUNCIL WHEN GOJ REPORTS MEASURE TO ICAO. WE ASSUME COUNCIL WOULD ADDRESS QUESTION OF REASONABLENESS

OF THE FEES AS WELL AS OTHER FACTORS SUCH AS CONSISTENCY  
OF THE MEASURE WITH ICAO PRINCIPLES RELATING TO ASSESS-  
MENT OF CHARGES AT INTERNATIONAL AIRPORTS (ICAO DOC  
9082).  
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